

OPEN SESSION MINUTES

Department of Consumer Affairs
Board of Psychology
400 R Street
Sacramento, CA 95814
(916) 263-2699

March 6, 1999

The open session meeting of the Board of Psychology was called to order by Judith Janaro Fabian, Ph.D., President, at 9:15 a.m.. A quorum was present and due notice had been sent to interested parties.

Present were:

Judith Janaro Fabian, Ph.D., President
Martin Greenberg, Ph.D., Vice-President
Emil Rodolfa, Ph.D.
Linda Hee, Ph.D.
Pamela Harmell, Ph.D.
Marilyn Palarea
Mary Ellen Early
Mary McMillan
Lisa Kalustian

Others Present:

Dan Buntjer, Legal Counsel
Thomas O'Connor, Executive Officer
Suzanne Taylor, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator
Jeff Thomas, Special Projects Coordinator
Annette Brown, Business Services Technician

Agenda Item 10 - Approval of November 13, 1998, November 14, 1998, December 22, 1998 and January 15, 1999 Open Session Minutes

It was M(Rodolfa)/S(Greenberg)/C to approve the open session minutes of November 13, 1998 with amendment to Agenda Item 2.

VOTE: 7-0 (Harmell and Kalustian abstained)

It was M(Early)/S(Greenberg)/C to approve the open session minutes of November 14, 1998 with

amendment to Agenda Item 20.

VOTE: 7-0 (Harmell and Kalustian abstained)

It was M(McMillan)/S(Palarea)/C to approve the open session minutes of December 22, 1998.

VOTE: 7-0 (Harmell and Kalustian abstained)

It was M(Harmell)/S(Rodolfa)/C to approve the open session minutes of January 15, 1999 with amendment to Agenda Item 4(d).

VOTE: 8-0 (Kalustian abstained)

Agenda Item 11 - President's Report

1. Correspondence

Dr. Fabian reviewed a letter from Janet Mann, a psychology teacher at Natomas High School, thanking Dr. Rodolfa for speaking in her psychology class.

2. SB983 Workgroup

Dr. Fabian reviewed Senate Bill 983, which was approved by the Legislature on September 24, 1998, and signed into law by Governor Wilson. Effective January 1, 1999, this bill added sections 2914.2 and 2914.3 to the Psychology Licensing Law. This bill requires the board to encourage all California licensed psychologists to include quality courses in psychopharmacology and biological bases of behavior as part of their continuing education. It also requires the board to encourage educational institutions offering doctoral programs which meet the psychology licensing requirements to include quality coursework and training in psychopharmacology and related topics including pharmacology and clinical pharmacology. Finally, this bill requires the board to develop education and training guidelines for psychologists whose practices include patients who may require psychopharmacological treatment. Dr. Fabian noted that no financial resources were made available to the Board to implement SB 983. Therefore, the Board is considering the educational guidelines already established by the American Psychological Association (APA). This matter will be discussed at the May 1999 Board meeting.

3. NAAP vs. BOP

Dr. Fabian reported on a Decision and Order regarding the lawsuit filed by the National Association for the Advancement of Psychoanalysis (NAAP) against the Board of Psychology (BOP). The judgement dismissed the lawsuit.

4. Introduce New Board Members

1. Lisa Kalustian

Dr. Fabian formally introduced Lisa Kalustian who was appointed to the Board effective January 1, 1999. Ms. Kalustian was formerly with Governor Wilson's administration.

2. Pamela Harmell, PhD

Dr. Fabian formally introduced Pamela Harmell, PhD, who was appointed to the Board effective January 1, 1999. Dr. Harmell is a former professor at Pepperdine University teaching legal and ethical issues in Psychology.

5. Committee Appointments

Dr. Fabian reported new committee chairs will rotate to allow new members the opportunity and experience.

1. Credentials Committee

Linda Hee, Ph.D. (Chair)
Emil Rodolfa, Ph.D. (Vice-chair)
Pamela Harmell, Ph.D.
Lisa Kalustian

2. Examination Committee

Martin Greenberg, Ph.D. (Co-chair)
Judith Janaro Fabian, Ph.D. (Co-chair)
Emil Rodolfa, Ph.D.
Pamela Harmell, Ph.D.

3. Enforcement Committee

Marilyn Palarea (Chair)
Mary Ellen Early (Vice-chair)
Martin Greenberg, Ph.D.
Pamela Harmell, Ph.D.

4. Legislation Committee

Mary McMillan (Chair)
Mary Ellen Early (Vice-chair)
Linda Hee, Ph.D.
Lisa Kalustian
Marilyn Palarea

5. Consumer Education Committee

Mary Ellen Early (Chair)
Emil Rodolfa, Ph.D. (Vice-chair)
Mary McMillan
Linda Hee, Ph.D.

6. Sunset Review Committee

With the Sunset Review process of 1998 complete, this Committee will be sunsetted until 2003 when it will be reviewed for the sunset review process of 2004.

7. Personnel Committee

Martin Greenberg, Ph.D. (Chair)
Emil Rodolfa, Ph.D. (Vice-chair)
Mary McMillan
Marilyn Palarea

8. Supervision Regulations Committee

Emil Rodolfa, Ph.D.
Thomas O'Connor

6. Response to CPA Recommendations

Dr. Fabian reviewed the Board's response to CPA's recommendations regarding the disciplinary process. She thanked Mr. O'Connor and staff for the thorough research and documentation that has gone into providing CPA with answers to its inquiries. Mr. O'Connor stated it was a long dialog which took more than 1 ½ years. He will forward the response to William Wallace, Ph.D., President of the California Psychological Association.

7. 2000 Calendar

Dr. Fabian reviewed the 2000 calendar. There were concerns of conflicting dates for the September 13-15, 2000 Strategic Planning Session. Staff will look into alternative dates and/or sites.

8. Other Post-Agenda Items for Discussion

Dr. Fabian reviewed the Statement on Medication which was adopted at the August 29, 1998 Board meeting. Some Board members had concerns and raised issue that the Statement had not been properly noticed as an action item on the August agenda. Mr. Buntjer suggested the Board be more specific on

future agenda notices. The Statement on Medication will be discussed again at the May Board meeting as an action item to ensure adequate public notice and opportunity for public comment.

Dr. Fabian reported on a new law effective January 1, 1999. Section 15630 of the code requires Welfare and Institutions the mandatory reporting of elderly and dependent adult abuse. Mr. Buntjer discussed some key points and added several items on new penalties and more provisions in regard to required reporting of statutory rape.

Dr. Fabian reported on the Association of State and Provincial Psychology Board's (ASPPB) midwinter meeting that she and Mr. O'Connor attended February 25-28, 1999 in Savannah, Georgia. Dr. Fabian discussed some of the issues and highlights of the meeting, such as regulation changes, anticipated changes in ethic codes, and the computerization of the Examination for Professional Practice in Psychology (EPPP) which has a target date to be implemented by April 2001.

Agenda Item 12 - Executive Officer's Report

1. Office Construction Update

Mr. O'Connor reported the reconstruction of the office is complete. The office has a new quiet room for candidates to listen to their tapes, a new storage room, and a conference room. The square footage increased from 2,000 sq. ft. to 3,900 sq. ft..

2. Staff Update

Mr. O'Connor reported Gia Mungia is no longer on the Board's staff. The process of hiring another Office Technician has begun.

3. Oral Examination Food Fund

Mr. O'Connor reported the food fund has a balance of \$77.85. The board decided to reduce the fees from \$35 to \$30 to be collected by Dr. Fabian.

4. New DCA Director - Kathleen Hamilton

Mr. O'Connor reported Governor Davis appointed Kathleen Hamilton as the new Director of The Department of Consumer Affairs on January 27, 1999. Mr. O'Connor stated that she is highly qualified, is strongly consumer oriented and will be valuable to the Department.

5. Strategic Planning Dates

1. November 4, 1999 San Diego

The Board will meet before the November Board meeting in

San Diego to discuss Strategic Planning.

2. September 13-15, 2000 Granlibakken

Already discussed. Staff will look into alternative dates and/or locations.

6. Other Post-Agenda Items for Discussion

The Assembly Budget Subcommittee will meet on March 16, 1999 to consider the Board's budget for fiscal year 1999/2000. The Board does not anticipate any problems.

Agenda Item 13 - Legal Counsel's Report

1. Update: Fingerprint Issues

Mr. Buntjer reviewed the new Live Scan fingerprint process from the Department of Justice (DOJ). Currently it takes six weeks for DOJ to process fingerprints. The new Live Scan program will allow licensing agencies to receive results in 72 hours. The process is not yet implemented due to lack of live scan machines available.

2. Other Post-Agenda Items for Discussion

Mr. Buntjer updated the Board on the Federal Reform Act signed by President Clinton in October 1996, which prohibits illegal aliens from becoming licensed. The Board reviewed emergency regulations at the November 14, 1998 meeting. The regulations were not filed with the Office of Administrative Law (OAL) since OAL was rejecting all other boards' alien verification packages. Mr. Buntjer reported that the board should wait and see how the new administration will handle this issue.

Agenda Item 14 - Regulation Update

1. Emergency Regs: Pass Point

Mr. Thomas reviewed the examination pass point emergency regulations. The Board held a special teleconferencing meeting on December 22, 1998 to adopt emergency regulations. The regulations were filed with DCA on December 23, 1998 and filed with the Office of Administrative Law (OAL) on December 30, 1998. The regulations were filed with the Secretary of State and become effective on January 8, 1999. The regulation notice was filed with OAL on March 2, 1999.

2. Status of Rulemaking Files

Mr. Thomas reported the continuing education rulemaking file will hopefully be filed next week with DCA. Declaratory decisions

rulemaking file was filed with DCA on March 2, 1999.

3. Spousal or Partner Abuse Assessment (2914(f))

Mr. O'Connor reported 2914(f) states applicants who begin graduate training on or after January 1, 1995 must show evidence satisfactory to the board that they have completed coursework in spousal or partner abuse assessment, detection, and intervention.

Mr. O'Connor will work with Dr. Greenberg and Dr. Harmell to develop language for the regulations.

4. Other Post-Agenda Items for Discussion

None.

Agenda Item 15 - Credentials Committee Report

1. Draft Policy Re: Acceptable Signatures On Educational Certification Documents

Dr. Hee discussed the draft policy #L-99-02. In the past, the board would only accept the signature of the registrar on educational certification documents. This policy would also allow staff to accept documentation signed by the director of training or graduate division or the dean of the academic institution

It was M(Credential)/C to adopt policy L-99-02.

VOTE: 9-0 Unanimous

2. APA Training Guidelines and Association of Psychology Postdoctoral & Internship Centers (APPIC) Membership Criteria

Dr. Hee stated that these guidelines and criteria are to provide the board with background information for policy #L-99-02 "same work setting".

3. Same Work Setting:

1. Draft Policy Amendment

Dr. Hee discussed policy #L-99-01 which amended policy #L-96-02, interpretation of "Same Work Setting", to broaden it to include recognition and approval of APPIC and APA approved internships as meeting the requirements of section 1387(l) of the regulations. Dr. Hee reported that Dr. Rodolfa and Mr. O'Connor have been working on revisions to the supervision regulations that would allow for the acceptance of hours accrued at APPIC and APA approved internships.

It was M(Credential)/C to approve amended policy L-99-01.

VOTE: 9-0 Unanimous

2. Response to Sam Chan, Ph.D., CSPP

Dr. Hee reported Mr. O'Connor responded to Dr. Sam Chan, Director of the Professional Services Center of CSPP-LA, which is an APA approved setting. Dr. Chan wanted written approval of the school's internship program, The Children, Youth, and Family Services (CYFS). The Credentials Committee approved the CYFS Internship Program pursuant to section 1387(l) of the regulations pursuant to policy #L-99-01.

3. Request from The H.E.L.P. Group of 1-25-99

Dr. Hee reported on a request from the H.E.L.P. Group requesting approval of hours of supervised professional experience earned providing in-home services by registered psychologists without the supervisor being on-site 50% of the time. The Committee moved to allow registered psychologists at the H.E.L.P. Group to accrue hours of supervision, professional experience which would include in-home services.

It was M(Credential)/C to approve this request under policy L-99-01.

VOTE: 9-0 Unanimous

4. Request from Steven Elson, PhD for Approval of Research Hours for Interns at Casa Pacifica

The Credentials Committee moved to approved Casa Pacifica as an organization at which psychological research is an important function under 1387(n).

It was M(Credential)/C to approve this request under 1387(n).

VOTE: 9-0 Unanimous

5. Other Post-Agenda Items for Discussion

The Credentials Committee moved to approve the Human Sexuality Training received by Darryl Bayer, PhD, at the program of Human Sexuality at the University of Minnesota Medical School, as meeting Regulation Section 1382.

Dr. Hee reviewed Dr. Carol Granlund's request to accrue supervised professional experience at another site within the same agency. Dr. Granlund is a Registered Psychologist at Antelope Valley Mental

Health Center. Her supervisor will be at another site within the same agency. The Credentials Committee moved to accept Dr. Granlund's request under policy #L-99-01, as long as the supervision is structured to provide for complete back-up in emergency situations.

Dr. Hee reviewed two requests for telephone crises work for Psychological Assistants. The Board is requesting more information. Staff will write both Psychological Assistants and their supervisors.

Agenda Item 16 - Examination Committee Report

a. Examination Stats: 10/98 Examination for Professional Practice in Psychology and 1/99 Oral Examinations

Dr. Fabian reviewed the 1/99 Oral Examination results. Of the 458 candidates who took the examination, 236 (51.52%) passed and 222 (48.47%) failed. Of the 27 candidates who took the Jurisprudence and Professional Ethics examination, 15 (55.56%) passed and 12 (44.44%) failed. Of the 437 candidates who took the EPPP in October 1998, 238 passed (54%).

2. Candidate Exit Survey Results

Dr. Fabian reviewed the Candidate Exit Survey Results. Of the 485 candidates who took the examinations in January 1999, a total of 176 (36%) responded to the survey. Dr. Fabian reported the survey had two rating systems.

c. Status of Commissioner Exit Survey

Dr. Fabian reviewed the Commissioner Survey Analysis. Of the 295 commissioners who participated at the January 1999 oral examinations, 214 (72%) responded to the survey. The overall results were very positive.

4. Fishkin, Gerald L., PhD: Appeal of the Board's Denial of Her Request for a Waiver of the EPPP and the Criteria Used to Determine "Significant Contribution."

Dr. Fabian reviewed Dr. Fishkin's appeal of the Board's denial of his request for a waiver of the EPPP. The Examination Committee moved to deny Dr. Fishkin's appeal of the Board's denial of his request for a waiver of the EPPP.

VOTE: 8-0 (Palarea recused)

5. Other Post-Agenda Items for Discussion

None.

Agenda Item 17 - Enforcement Committee Report

a. Amendments to Disciplinary Guidelines (Continued)

Ms. Taylor reviewed the proposed deletions and proposed additions/revisions for the Disciplinary Guidelines. The Board had minor revisions to the Guidelines.

It was M(Palarea)/S(Harmell)/C to adopt the Disciplinary Guidelines as revised.

VOTE: 9-0 Unanimous

b. Latest Enforcement Statistics

Ms. Palarea reviewed the enforcement statistics. She found it to be consistent with the prior year.

3. Expert Training Issues

Ms. Palarea reported two nominations were received. One was approved and the Enforcement Committee requested additional information on the other one. Ms. Palarea also indicated that a written training packet is being developed to send to the Board's experts as an alternative to live training this year.

4. Other Post-Agenda Items for Discussion

None.

Agenda Item 18 - Legislation Committee Report

1. 1999 Proposals

Ms. McMillan reported Senate Bill 2238 carried by the Business and Professions Committee last year originally included language to amend section 2960(o) to clearly prohibit sexual misconduct with former patients within two years after termination of therapy. This amendment process reconfigured the lettering of section 2960, provisions (o) through (r). Mr. O'Connor pointed out to the B& P Committee staff the problems the rearrangement of the letters in 2960 would cause. Because of the lateness of the action in the session, he was advised that the matter could be taken up as an urgency measure early in 1999. Ms. McMillan reported the deadline for submitting bills was February 26, 1999. She will update the Board on the status of the urgency measure bill at the May Board meeting.

2. Legislative Bills of Interest to Date

Ms. McMillan reviewed SB 433, introduced by Senator Johnson. The bill would revise provisions to require court-connected and private child custody evaluators to complete a described domestic

violence training program and comply with other requirements. It would require the Judicial Council to formulate a statewide rule of court by January 1, 2002, that establishes education, training, and licensure requirements for court-connected and private child custody evaluators. Ms. McMillan reported this bill is currently in Senate Judiciary and no hearing date has been set.

The Legislation Committee moved to approve SB 433.

VOTE: 9-0 Unanimous

Ms. McMillan reviewed SB 125, introduced December 22, 1998 by Senator Johnson. This bill would prohibit the Board of Behavioral Sciences from administering any type of oral examination as a condition of licensure for clinical social workers and would be retroactive to include all applicants who had previously failed the oral examination. The only exception to this is when a disabled applicant requests an oral examination as reasonable accommodation.

The Board will keep a watch position on this bill.

Ms. McMillan reviewed SB 137, introduced January 4, 1999 by Senator Knight. This bill would enact the Marriage, Family and Child Counselor and Clinical Social Worker Substance Abuse Testing Act of 1999. It requires that those applicants for licensure or renewal submit to substance abuse testing administered by the Board of Behavioral Sciences prior to the issuance of a license or renewal. It authorizes the Board to increase fees to cover the actual costs incurred to administer the testing. Ms. McMillan reported the Board will keep a watch position on this bill.

Ms. McMillan reviewed AB 253, introduced February 1, 1999 by Assembly Member Thomson. This bill requires that all applicants for licensure as Marriage, Family and Child Counselors who are pursuing qualifying masters or doctorate degrees after January 1, 2001 include coursework in psychological testing and psychopharmacology. Ms. McMillan reported the Board will keep a watch position on this bill.

Ms. McMillan reviewed AB 400, introduced February 12, 1999 by Assembly Member Lempert. This bill would require that applicants for licensure attend accredited academic institutions, and it would delete the definition of "approved" as used with reference to academic institutions. The bill would become operative January 1, 2006.

After debate with Dr. Greenberg, Ms. McMillan reported the Board will keep a watch position on this bill.

Ms. McMillan reviewed SB 765, introduced February 24, 1999 by Senator Figueroa. This bill would authorize an applicant for licensure as a psychologist, MFCC, or LCSW to take the examinations in a language other than English. Mr. O'Connor reported The Association of State and Provincial

Psychology Boards (ASPPB), which owns and develops the EPPP, does provide a French version of the examination. ASPPB advises that this is solely for Quebec wherein the official language is French. The cost to translate each form of the EPPP to French exceeds \$5,000 and only reflects the direct translation process and does not take into consideration the cost of staff, Examination Committee work and other overhead costs. Mr. O'Connor reported the DCA Office of Examination Resources needs to analyze this issue and report to BOP and BBS. The Board will take a watch position.

3. Other Post-Agenda Items for Discussion

Dr. Rodolfa reviewed for information only an e-mail he received regarding the sales of nutritional supplements by psychologists.

Agenda Item 19 - Consumer Education Committee Report

a. BOP Update VI

Ms. Early reported the BOP Update VI is being formatted and edited and should be completed for distribution in a couple of months.

b. Website Update

1. New Additions

Mr. Thomas reviewed the new additions to the website.

2. Hit Report

Mr. Thomas reviewed two reports regarding activity on the Board's website. He showed a monthly increase of nearly 250 percent for the month of January 1999 from January 1998.

3. Customer Service Evaluation Form On-Line

Mr. Thomas reported on the Customer Service Evaluation Form located on the board's website. Of the evaluations received, the board's staff received excellent ratings of their customer service.

c. Y2K Issues

Mr. Thomas reported the Department has tested their systems for the Y2K change. The Department duplicated and tested the data base system. Few problems were found and all were corrected.

4. Other Post-Agenda Items for Discussion

None.

It was M(Fabian)/S(Rodolfa)/C to adjourn the Open Session meeting.

VOTE: 9-0 Unanimous

The Open Session meeting adjourned at 12:30 p.m..

Respectfully Submitted,

Judith Janaro Fabian, Ph.D.
President

Martin Greenberg, Ph.D.
Vice-President